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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

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3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,181	Applicant(s) KAKUTA ET AL.	
	Examiner AKIBA K. ROBINSON BOYCE	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/10 has been entered.

Status of Claims

2. Due to communications filed 8/20/10, the following is a non-final office action. Claims are amended. Claims 1 and 7-9 are cancelled. Claims 2-6 and 10 are pending in this application and have been examined on the merits. The previous rejection adjusted to reflect claim amendments. Claims 2-6 and 10 are rejected as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes (US 2003/0065805 A1).

As per claim 2, Barnes discloses:

a request acceptance portion for accepting request information indicating a request for providing a service, the request being sent by a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position obtaining portion that obtains a current position the customer relating to the request information/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request, ([0188], The vender computer systems (VCSs) receive and process their respective requests, which in this example includes interpreting the request and searching a database for the price of the identified product. After the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the

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selection criteria at step 365. Other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc., and [0192] shows that “upon viewing the presented data of one or more responses from the VCSs, the user supplies an input to the device 101 at step 370 that in this example is a command to transmit a request to purchase the product from a particular vender. In response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product. Thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a rental), dates (in the case of travel tickets or reservations), and/or other product information”);

an area information storage portion that stores a plurality of pieces of condition information that defines a service area around the provision position of the service determined according to the service availability information and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on

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location of user, where storing a plurality of pieces of change information for changing the plurality of pieces of condition information is obvious with [0095] “Preferably, the communication module 105 allows for dynamic adjustment of bit rate, protocol, and format to accommodate communications with different types devices and changing network conditions”, since in order to format to a change, the change data must be stored in order for a format to take effect. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to disclose storing a plurality of pieces of change information for changing the plurality of pieces of condition information with the motivation of storing values that would be relied upon when refereeing to a change of a condition);

an existence decision portion that determines whether the customer relating to the request information is within the service area based on the current position of the customer/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user’s location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]);

wherein the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information, ([0074] Moreover, the device 101 includes programming for switching communication networks. Thus, when network switching conditions arise, the device 101 establishes a communication with the external device via a second network and preferably terminates the communication established through the first network. Network switching conditions may include one or more of 1) changes in network conditions such as failure of a first network or the first network slowing down (due to high use such as multiple users and/or high levels of data being communicated), such as below a predetermined level (e.g., threshold speed), or increases in noise, 2) the user making a request, or attempting to make the request, to communicate data that is more suitable for communication through a second network (e.g., the user requesting a video file or movie), 3) the anticipated request of the user (e.g., based on the user starting a particular application such as a video player), 4) changes in network availability (e.g., a new network becoming available), 5) changes in conditions of the second network (e.g., more bandwidth or less noise), 6) the available capacity or relative available capacity (e.g., how full to capacity a network is), 7) the communication capabilities of the device, and 8) the historical (or anticipated) availability of bandwidth of network(s) (which may include, for example, use, volume, capacity, and/or speed data for days of the week or times of the day). The device 101 may determine any of the above information itself or receive the information in a transmission from remote computers, which monitor the networks).

As per claim 3, Barnes discloses:

a request acceptance portion that accepts a request for providing a service at a desired time from a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion that obtains a current position of the customer when the customer has sent the request/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an area information storage portion that stores a plurality of pieces of condition information that defines a service area in accordance with the desired time for receiving the service around a provision position of the service and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user, Barnes also discloses a predetermined distance may be for different times in [0032], and also in [0157] shows determining the closest point of interest in response to a user request, at a particular time, day, and/or date, where storing a

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plurality of pieces of change information for changing the plurality of pieces of condition information is obvious with [0095] “Preferably, the communication module 105 allows for dynamic adjustment of bit rate, protocol, and format to accommodate communications with different types devices and changing network conditions”, since in order to format to a change, the change data must be stored in order for a format to take effect. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to disclose storing a plurality of pieces of change information for changing the plurality of pieces of condition information with the motivation of storing values that would be relied upon when refereeing to a change of a condition);

an existence decision portion that determines whether the customer is within the predetermined area in accordance with the current position information and the area information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion accepts a reservation of the service when the existence decision portion has determined that the customer is within the service area and does not reserve the service when the existence decision portion has decided that the customer is not within the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user’s location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]);

wherein the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information, ([0074] Moreover, the device 101 includes programming for switching communication networks. Thus, when network switching conditions arise, the device 101 establishes a communication with the external device via a second network and preferably terminates the communication established through the first network. Network switching conditions may include one or more of 1) changes in network conditions such as failure of a first network or the first network slowing down (due to high use such as multiple users and/or high levels of data being communicated), such as below a predetermined level (e.g., threshold speed), or increases in noise, 2) the user making a request, or attempting to make the request, to communicate data that is more suitable for communication through a second network (e.g., the user requesting a video file or movie), 3) the anticipated request of the user (e.g., based on the user starting a particular application such as a video player), 4) changes in network availability (e.g., a new network becoming available), 5) changes in conditions of the second network (e.g., more bandwidth or less noise), 6) the available capacity or relative available capacity (e.g., how full to capacity a network is), 7) the communication capabilities of the device, and 8) the historical (or anticipated) availability of bandwidth of network(s) (which may include, for example, use, volume, capacity, and/or speed data for days of the week or times of the day). The device 101 may determine any of the above information itself or receive the information in a transmission from remote computers, which monitor the networks).

As per claim 5, Barnes discloses:

a request acceptance portion that accepts a request for providing a service from a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion for obtaining a current position information that indicates a current position the customer relating to the request information/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request, ([0188], The vender computer systems (VCSs) receive and process their respective requests, which in this example includes interpreting the request and searching a database for the price of the identified product. After the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the selection criteria at step 365. Other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc., and [0192] shows that “upon viewing the presented data of one or more responses from the VCSs, the user supplies an input to the device 101 at step 370 that in this example is a

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command to transmit a request to purchase the product from a particular vender. In response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product. Thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a rental), dates (in the case of travel tickets or reservations), and/or other product information”);

an area information storage portion that stores a plurality of pieces of condition information that defines a storage area around the provision position of the service determined according to the service availability information and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user, where storing a plurality of pieces of change information for changing the plurality of pieces of condition information is obvious with [0095] “Preferably, the communication module 105 allows for dynamic adjustment of bit rate, protocol, and format to accommodate communications with different types devices and changing

network conditions”, since in order to format to a change, the change data must be stored in order for a format to take effect. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to disclose storing a plurality of pieces of change information for changing the plurality of pieces of condition information with the motivation of storing values that would be relied upon when refereeing to a change of a condition);

an existence decision portion that determines whether the customer is within the service area in accordance with the current position information and the area information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the service when the existence decision portion determines that the customer who made the request is within the service area and does not accept the reservation when the existence decision portion determines that the customer is not within the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user’s location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation])).

an arrival time forecast portion that forecasts a time of arrival of the customer whose reservation was accepted at the provision position, ([0176], estimate arrival time);

an arrival possibility decision portion that determines whether the customer who made the request will arrive by the forecasted time of arrival in accordance with the time of arrival, a present time and new current position information of the customer that was obtained newly after the reservation process had been accepted, ([0211], transmits a time user should arrive);

wherein the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information, ([0074] Moreover, the device 101 includes programming for switching communication networks. Thus, when network switching conditions arise, the device 101 establishes a communication with the external device via a second network and preferably terminates the communication established through the first network. Network switching conditions may include one or more of 1) changes in network conditions such as failure of a first network or the first network slowing down (due to high use such as multiple users and/or high levels of data being communicated), such as below a predetermined level (e.g., threshold speed), or increases in noise, 2) the user making a request, or attempting to make the request, to communicate data that is more suitable for communication through a second network (e.g., the user requesting a video file or movie), 3) the anticipated request of the user (e.g., based on the user starting a particular application such as a video player), 4) changes in network availability (e.g., a new network becoming available), 5) changes in conditions of the second network (e.g., more bandwidth or less noise), 6) the available capacity or relative available capacity (e.g., how full to capacity a network is), 7) the communication

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capabilities of the device, and 8) the historical (or anticipated) availability of bandwidth of network(s) (which may include, for example, use, volume, capacity, and/or speed data for days of the week or times of the day). The device 101 may determine any of the above information itself or receive the information in a transmission from remote computers, which monitor the networks).

Barnes et al does not specifically disclose a cancel processing portion that cancels the reservation related to the request information when the arrival possibility decision portion that determines that the customer will not arrive by the forecasted time of arrival, however does disclose the preparation of food by the estimated arrival time, where the time and the location is transmitted in order to inform a time the user should arrive to pickup the food, and avoid counterfeit tickets in [0211], therefore making it obvious that reservation is cancelled based whether or not the customer will arrive by the forecasted time of arrival .

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose a cancel processing portion that cancels the reservation related to the request information when the arrival possibility decision portion that determines that the customer will not arrive by the forecasted time of arrival with the motivation of showing that time is a factor in deciding whether or not to process a reservation.

As per claim 6, Barnes discloses:

a request acceptance portion that accepts a request for parking a car in the parking lot, ([0155]-[0056], receiving user input and optionally enter into a commercial exchange to buy a product, w/ [0100], parking lot);

a current position information that obtains a current position of a customer that made the request, ([0316], lines 1-4, device monitors location of user);

a traffic information obtaining portion that obtains traffic information around the parking lot or from the customer who made the request, ([0327, receiving information relating to traffic at point of interest, w/ [0100], where point of interest can be a parking lot);; and

a demand forecast portion that forecasts a future demand of the parking lot in accordance with the traffic information, ([0164], shows traffic delays and selecting available points of interest [parking lots] meeting selection criteria to which user will have shortest travel time);

an area information storage portion that stores a plurality of pieces of condition information that defines a parking service area around the parking lot according to the forecasted demand, and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information, ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on

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location of user, where storing a plurality of pieces of change information for changing the plurality of pieces of condition information is obvious with [0095] “Preferably, the communication module 105 allows for dynamic adjustment of bit rate, protocol, and format to accommodate communications with different types devices and changing network conditions”, since in order to format to a change, the change data must be stored in order for a format to take effect. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to disclose storing a plurality of pieces of change information for changing the plurality of pieces of condition information with the motivation of storing values that would be relied upon when refereeing to a change of a condition);

an existence decision portion that determines whether the customer who made the request is within the parking service area in accordance with the current position information and the plurality of pieces of condition information, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the parking lot for the customer when the existence decision portion determines that the customer who made the request is within the parking service area and does not perform the reservation, ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user’s location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation])).

and the existence decision portion decides whether the customer who made the request is within an area that is defined in accordance with the forecasted future demand and the area information, , ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location).

Wherein the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information, ([0074] Moreover, the device 101 includes programming for switching communication networks. Thus, when network switching conditions arise, the device 101 establishes a communication with the external device via a second network and preferably terminates the communication established through the first network. Network switching conditions may include one or more of 1) changes in network conditions such as failure of a first network or the first network slowing down (due to high use such as multiple users and/or high levels of data being communicated), such as below a predetermined level (e.g., threshold speed), or increases in noise, 2) the user making a request, or attempting to make the request, to communicate data that is more suitable for communication through a second network (e.g., the user requesting a video file or movie), 3) the anticipated request of the user (e.g., based on the user starting a particular application such as a video player), 4) changes in network availability (e.g., a new network becoming available), 5) changes in conditions of the second network (e.g., more bandwidth or less noise), 6) the available capacity or relative available capacity (e.g., how full to capacity a network is), 7) the communication capabilities of the device, and 8) the historical (or anticipated) availability of bandwidth

of network(s) (which may include, for example, use, volume, capacity, and/or speed data for days of the week or times of the day). The device 101 may determine any of the above information itself or receive the information in a transmission from remote computers, which monitor the networks).

Barnes does not disclose wherein the area information has a parameter that indicates a quantity of the demand, so that the predetermined area is inversely correlated with the quantity indicated by the parameter, however in [0181], Barnes discloses, quantity as being product identifying information, where products are provided to customers by vendors and quantities are purchased when time data, location data, and/or activity data satisfy predetermined criteria. Therefore, it is obvious that quantities of products are inversely related to the location of the user.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose a provided quantity information obtaining portion for obtaining provided quantity information concerning a quantity of the service that can be provided, wherein the area information has a parameter that indicates the quantity, so that the predetermined area is correlated to the quantity indicated by the parameter, and the existence decision portion performs the decision by deciding whether or not the customer relating to the request information is within an area that is defined in accordance with the quantity indicated by the provided quantity information and the area information with the motivation of showing that a particular quantity of a provided service can be regulated according to location.

In this case, the example used ins for a hotel reservation, however, it is obvious to also make decisions about a reservation depending on location with respect to parking since it is disclosed that the device preferably establishes the communication link automatically when the user is within a predetermined distance and also a user can establish the communication link when the user is at (or arrives at) a predetermined location such as on a particular street, in the user's driveway, in a particular parking lot as shown in [0383]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to accept a parking reservation request when a customer is in within a predetermined area according to the current position information with the motivation of showing that a reservation is more than likely to be made if a customer is within a predetermined distance to a point of interest.

As per claim 10, Barnes discloses:

an interface that receives a parking request from a customer approaching a parking area where parking services are provided, ([0155]-[0156], receiving user input about a point of interest for a location based service and [0225], issues requests to interface software);

a current position acquiring portion that obtains a current position of the customer who sent the parking request, ([0316], lines 1-4, device monitors location of user);

a service volume information portion that provides information about available parking space in the parking area, ([0162], retrieving data of the available points of interest from a database);

a service area portion that determines a predetermined area for service around the parking area based on the available parking space, ([0231], determine the approximate location of the user in the parking area and [0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user); and

a decision portion which accepts parking reservation request when the customer that sent the request is within the predetermined area according to the current position information, ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation] in this case, the example used ins for a hotel reservation, however, it is obvious to also make decisions about a reservation depending on location with respect to parking since it is disclosed that the device preferably establishes the communication link automatically when the user is within a

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predetermined distance and also a user can establish the communication link when the user is at (or arrives at) a predetermined location such as on a particular street, in the user's driveway, in a particular parking lot as shown in [0383]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to accept a parking reservation request when a customer is in within a predetermined area according to the current position information with the motivation of showing that a reservation is more than likely to be made if a customer is within a predetermined distance to a point of interest.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes (US 2003/0065805 A1), and further in view of Murashita et al (US 2002/0062236 A1).

As per claim 4, Barnes discloses:

a request acceptance portion for accepting request information indicating a request for providing a service from a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion that obtains a current position of the customer/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an area information storage portion that stores a plurality of pieces of condition information that defines a service area around a provision position of the service and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user, where storing a plurality of pieces of change information for changing the plurality of pieces of condition information is obvious with [0095] “Preferably, the communication module 105 allows for dynamic adjustment of bit rate, protocol, and format to accommodate communications with different types devices and changing network conditions”, since in order to format to a change, the change data must be stored in order for a format to take effect. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to disclose storing a plurality of pieces of change information for changing the plurality of pieces of condition information with the motivation of storing values that would be relied upon when refereeing to a change of a condition);

an existence decision portion that determines whether the customer within the predetermined area in accordance with the current position and the plurality of pieces of

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condition information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the service that relates to the request when the existence decision portion determines that the customer is within the service area when it is decided that the customer is not the reservation is not accepted because the existence decision portion determines that the customer is outside the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]);

wherein the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information, ([0074] Moreover, the device 101 includes programming for switching communication networks. Thus, when network switching conditions arise, the device 101 establishes a communication with the external device via a second network and preferably terminates the communication established through the first network. Network switching conditions may include one or more of 1) changes in network conditions such as failure of a first network or the first network slowing down (due to high use such as multiple users and/or high levels of data being communicated), such as below a predetermined level (e.g., threshold speed), or increases in noise, 2) the

user making a request, or attempting to make the request, to communicate data that is more suitable for communication through a second network (e.g., the user requesting a video file or movie), 3) the anticipated request of the user (e.g., based on the user starting a particular application such as a video player), 4) changes in network availability (e.g., a new network becoming available), 5) changes in conditions of the second network (e.g., more bandwidth or less noise), 6) the available capacity or relative available capacity (e.g., how full to capacity a network is), 7) the communication capabilities of the device, and 8) the historical (or anticipated) availability of bandwidth of network(s) (which may include, for example, use, volume, capacity, and/or speed data for days of the week or times of the day). The device 101 may determine any of the above information itself or receive the information in a transmission from remote computers, which monitor the networks).

Barnes et al does not disclose wherein if the customer requests the temporary reservation, the current position information obtaining portion obtains a new current position of the customer, the existence decision portion performs a new decision in accordance with the new current position, and the reservation acceptance processing portion accepts the reservation if it the new decision is that the customer is within the service area, however does disclose that an advertisement may also be deleted based on the location of the user so that advertisements for venders the furthest away are deleted first and/or advertisements for venders (or products) that offered at locations greater than a predetermined distance are deleted, or in a area (e.g., a shopping complex) in which the device is no longer present or communicating, and that location

information of the vender associated with an advertisement may be included with the transmitted advertisement, or transmitted separately such as in map data [0272], thereby suggesting that if the current position is closer than a predetermined distance, that that particular advertisement will no longer be used and that another advertisement will in turn be transmitted, thereby triggering a new decision to determine if the customer is within a predetermined area.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein if the customer requests the temporary reservation, the current position information obtaining portion obtains a new current position of the customer, the existence decision portion performs a new decision in accordance with the new current position, and the reservation acceptance processing portion accepts the reservation if it the new decision is that the customer is within the service area with the motivation of triggering a new decision if a customer is within a predetermined area if the current reservation is not within a predetermined area.

Barnes does not disclose asking the customer whether the customer requires a temporary reservation if not performing the reservation acceptance process, however, Murashita et al discloses in [0435], an example in which the restaurant 30 is temporarily closed, the waiting time becomes longer than a predetermined time period, and hence the reservation server 19 cancels the service contents without suggesting them, or shows the long waiting time to the user. Accordingly, this can provide a service to even the user whose desires a meal in the restaurant 30 strongly. It therefore would be obvious to combine the teachings of Barnes and Murashita et al to teach asking the

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customer whether the customer requires a temporary reservation if not performing the reservation acceptance process .

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to show asking the customer whether the customer requires a temporary reservation if not performing the reservation acceptance process with the motivation of showing an alternative solution to the reservation not being processed.

Response to Arguments

6. Applicant's arguments filed 8/20/10 have been fully considered but they are not persuasive.

Applicant has amended claims to include "and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information", however, as disclosed above in the rejection, this limitation is obvious with [0095] of Barnes, where it is shown that "Preferably, the communication module 105 allows for dynamic adjustment of bit rate, protocol, and format to accommodate communications with different types devices and changing network conditions", since in order to format to a change, the change data must be stored in order for a format to take effect.

Applicant has also amended claims to include "the plurality of pieces of condition information is individually changed in accordance with the service availability

information based on the plurality of pieces of change information". However, as shown above in the rejection, Barnes discloses this in [0074], where it is shown that changes in network conditions include changes in network availability (e.g., a new network becoming available).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
January 31, 2011

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628